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08/503, 604 07/18/95 IMANAKA

R MAT-3720

EXAMINER

26M1/0628

GRANT, C

ART UNIT

PAPER NUMBER

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2602

DATE MAILED:

06/28/96

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This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice of Draftsman's Patent Drawing Review, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.  \_\_\_\_\_

**Part II SUMMARY OF ACTION**

1.  Claims 1 - 12 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims 1-3 are allowed.

4.  Claims 5 are rejected.

5.  Claims 4, 6-12 are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on 10/13/95, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).

12.  Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

**EXAMINER'S ACTION**

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**Part III DETAILED ACTION****Claim Objections**

1. Claims 4 and 6-12 are objected to because of the following informalities:

- ✓ In claim 4, line 10, "display" and "recording" should be changed to --the display-- and --the recording-- respectively.
- ✓ In claim 6, line 9, "display" (second occurrence) and in line 10, "recording" should be changed to --the display-- and --the recording-- respectively.
- ✓ In claim 7, line 2, "charge" should be changed to --the charge--.
- ✓ In claim 8, lines 8-9, the phrase "recording means which records said demodulated signal in a" should be deleted because it is redundant to the phrase immediately before it.
- ✓ In claim 9, line 3, "recording" should be changed to --the recording--.
- ✓ In claim 9, line 5, "recording" (both occurrences) should be changed to --the recording--.
- ✓ In claim 10, line 3, "recording" should be changed to --the recording--.
- ✓ In claim 11, line 4, "recording" should be changed to --the recording--.
- ✓ In claim 12, line 5, "server" should be changed to

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--the server--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claim 5 is rejected under 35 U.S.C. § 102(b) as being anticipated by Wilson et al. (Wilson).

Considering claim 5, Wilson discloses a server apparatus in figures 2-5. Note the following:

- a) the claimed information providing means is met by CATV (38) and presentation player (54) discussed throughout the reference including col. 18, lines 15-21;
- b) the claimed user's drive operating state logging means is met by servers (74,99,107) discussed throughout the reference including col. 21, lines 5-10, col. 22, lines 20-24, 31-34; and

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c) the claimed user's drive operating state collects said subscribers amount data and writes is met by server (107) maintaining billing rates (i.e. collecting, storing or writing, retrieving etc.).

4. Claim 5 is rejected under 35 U.S.C. § 102(e) as being anticipated by Belove et al. (Belove).

Considering claim 5, Belove discloses a server apparatus in figures 2-3. Note the following:

- a) the claimed information providing means is met by information transmitted from mass storage device (19) via communication module (27), see col. 6, lines 24-33;
- b) the claimed user's drive operating state logging means is met by object handler (56) which periodically assembles the users operating choices (state) to determine items requested, see col. 6, lines 27-33; and
- c) the claimed user's drive operating state collects said subscribers amount data and writes is met by object handler (56) which logs downloading charges (i.e. collecting, storing or writing, retrieving etc.) as discussed in col. 6, lines 33-35.

Specification

5. The disclosure is objected to because of the following informalities in the specification:

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On page 14, line 21, the phrase "ususl" should be changed to --usual--. Appropriate correction is required.

Allowable Subject Matter

6. Claims 1-3 are allowable over the prior art of record.
7. Claims 4 and 6-12 objected but would be allowable if rewritten to overcome the objections in paragraph 1.
8. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

Claims 1-4 and 6-12 are (or would be) allowable because the prior art fails to disclose or suggest an information on demand system comprising a charging means for charging a different amount for the case in which the information is provided to a display means, a recording means or to both the display and record means or a subscriber apparatus comprising a recording and terminal control means as recited in the claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Banning Jr. discloses of different charge or pay amounts for reception of direct antenna reception, for reception of conventional programs and for pay TV programs in col. 7.

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Block et al. discloses of charging different amount for programs.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Peng, can be reached on (703) 308-5461. The fax phone number for this Group is (703) 305-9509.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

cl

Chris Grant

June 20, 1996



JOHN K. PENG  
SUPERVISORY PATENT EXAMINER  
GROUP 2600